

EXHIBIT D

1
2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----x

5 JULIE AVERBACH FOR THE ESTATE OF STEVEN

6 AVERBACH, et al.,

7 Plaintiffs,

8 -against- No. 19-cv-00004-GHW-KHP

9 CAIRO AMMAN BANK,

10 Defendant.

11 -----x

12 December 5th, 2022

13 10:30 a.m.

14 REMOTE DEPOSITION of KHALID MAHMOUD

15 AL-QASSEM, a 30(b)(6) Witness, taken by

16 counsel for Plaintiffs, pursuant to

17 Notice, dated October 9, 2022, via

18 Veritext Remote Zoom, before Amy Klein

19 Campion, a Shorthand Reporter and Notary

20 Public within and for the State of New

21 York.

22
23 JOB NO.: NY 5602308

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A P P E A R A N C E S:

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 ALSO PRESENT:

 GHALWAA SEBAALY - Arabic Interpreter

 JOYCE KHOURY MOKARY - Arabic Interpreter

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2 IT IS HEREBY STIPULATED AND AGREED
3 by and between the attorneys for the
4 respective parties herein that filing and
5 sealing be and the same are hereby waived.

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the form
8 of the question, shall be reserved to the
9 time of the trial.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the within deposition may be signed
12 and sworn to before any officer authorized
13 to administer an oath with the same force
14 and effect as if signed and sworn to before
15 the Court.

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1 - K.M. AL-QASSEM -

2 printed in hard copies and they were kept
3 so we could refer back to them if a
4 customer wanted to look into any
5 statement.

6 Q. And where were those hard copy
7 files located?

8 A. They were kept for a
9 transitional period of time at the IT
10 Department and then they were destroyed.

11 Q. How long were they retained for?

12 THE WITNESS: Not more than two
13 years.

14 A. Not more than two years.

15 Q. How much transactional data was
16 printed out from that server?

17 THE WITNESS: Not transaction.

18 MR. SIEGFRIED: Objection to the
19 form of the question.

20 Q. Is it account statements you're
21 saying were printed out?

22 A. Yes, account statements.

23 Q. Going back how far?

24 THE WITNESS: All the statements
25 of the active accounts that migrated.

1 - K.M. AL-QASSEM -

2 A. Account statements of the active
3 accounts that migrated.

4 Q. So was it all of the account
5 statement data for the active accounts
6 that was printed out?

7 THE WITNESS: Account statement
8 cycle which is...

9 A. So the account statements were
10 printed until the last cycle. Some like
11 for one month, others for three, others
12 for six -- according to the nature of the
13 accounts.

14 Q. And CAB has confirmed that all
15 these records were destroyed?

16 A. Yes.

17 Q. Just to confirm, all account
18 statements and relevant records from the
19 relevant period in the Palestinian
20 Territories have been destroyed?

21 A. Yes.

22 Q. Oh, just to take you back for a
23 second. The data general server, what
24 operating system was it running?

25 THE WITNESS: UNIX AIX.

1 - K.M. AL-QASSEM -

2 translated.)

3 MR. SIEGFRIED: Michael, can we
4 just for clarity sake and for the
5 witness' sake read the text into the
6 record.

7 MR. RADINE: I was going to.
8 It's taking a lot of time up here.
9 I'll read it now.

10 Aaron, head down five more
11 pages.

12 MR. SCHLANGER: (Complies.)

13 MR. RADINE: Stop there. Aaron,
14 do you want to highlight the word
15 "they"?

16 MR. SCHLANGER: (Complies.)

17 Q. Okay. I'm going to read it now.

18 "They still do not, and the SAC
19 offers no non-conclusory allegation that
20 CAB provided any further banking services
21 to HLF following its designation."

22 And then at the end of that
23 sentence there's a footnote.

24 MR. SCHLANGER: (Complies.)

25 MR. RADINE: And the footnote

1 - K.M. AL-QASSEM -

2 reads: "CAB closed the account on
3 December 5, 2001."

4 Q. So based on your prior
5 testimony, what other depositories at the
6 bank of records from 2001 to 2003 exists
7 that would provide the bank with this
8 information that it closed the Holy Land
9 Foundation account on December 5, 2001?

10 THE WITNESS: A legal case. Us
11 against -- production of documents --
12 retention policy.

13 A. So the case of HLF is completely
14 different. There was a case brought
15 against HLF from the U.S. Government and
16 the U.S. Government or the U.S. Court had
17 asked the Jordanian Central Bank for a
18 copy of the account statements and that
19 was in 2004. And based on the 2004
20 request, we have presented the documents
21 to the government via the Jordanian
22 Central Bank.

23 Copies were kept as part of the
24 case in Jordan since the case was brought
25 via the Jordanian Central Bank.

1 - K.M. AL-QASSEM -

2 So it is a legal case in the
3 U.S. against HLF. It's a completely
4 different case. The documents were
5 produced and HLF had submitted the account
6 statements which has proven that CAB
7 closed the account on December 5, 2011 --

8 THE WITNESS: 2001.

9 THE INTERPRETER: Sorry, excuse
10 me.

11 A. -- in December 5, 2001. So it's
12 a completely different case from the
13 retention policy because we're talking
14 about the legal case in the U.S.

15 MR. RADINE: Let's take a break
16 now and reconvene at 2:30.

17 THE WITNESS: Okay.

18 (A recess was taken.)

19 MR. RADINE: Okay, let's go back
20 on.

21 BY MR. RADINE:

22 Q. So to follow up on what you just
23 told us, did CAB retain all records
24 concerning HLF once it was the subject of
25 the request from the United States

1 - K.M. AL-QASSEM -

2 Government?

3 A. We kept a copy of the documents
4 that were submitted.

5 Q. What kind of documents were
6 those?

7 A. The statements of accounts of
8 HLF, the opening -- the account opening
9 request and the account opening contract,
10 the license issued by the Ministry of
11 Interior for HLF, the Ministry of Interior
12 in the Palestinian Territories, the
13 designated signatories for HLF.

14 THE WITNESS: Something like
15 this.

16 A. Documents like this.

17 Q. And for how many HLF accounts
18 did CAB retain these records?

19 (Requested portion of record
20 translated.)

21 THE INTERPRETER: It's HLF.
22 HLF.

23 THE WITNESS: Three accounts.

24 A. Three accounts.

25 Q. Do these records that CAB has